



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
February 24, 2015

MEMBERS, OCONEE COUNTY COUNCIL

Mr. Wayne McCall, District II, Council Chairman
Mr. Paul Cain, District III, Vice Chairman
Ms. Edda Cammick, District I, Chairman Pro Tem
Mr. Joel Thrift, District IV
Mr. Reg Dexter, District V

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, County Administrator Scott Moulder, County Attorney Thomas Martin and Elizabeth Hulse, Clerk to Council present.

Press: Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [www.oconeese.com/council]. In addition it was made available [*upon request*] to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: Ray Chandler/Anderson Independent & Steven Bradley/The Daily Journal.

Call to Order

Mr. McCall called the meeting to order at 6:00 p.m.

Public Comment Session

Mr. John Dalen addressed Council regarding his opposition to zoning and Ordinance 2015-08. He provided Council with handouts related to matters not before Council for action [copies filed with these minutes].

Mr. Alan Addis addressed Council regarding proper flag maintenance.

Ms. Janet Bonwick, Humane Society Board Member, addressed Council revising their funding request for funding the Humane Society's SNAC [*Spay, Neuter Assistance Coalition*] program to \$26,000.

County Council Response to Public Comment

Mr. Dexter addressed flag care in response to Mr. Addis.

Ms. Cammick voiced support for funding for the SNAC program; stating that she had conducted an informal survey in her district and that there was overwhelming support for the program.

Moment of Silence

Mr. McCall asked for a moment of silence prior the Invocation by the County Chaplain.

Invocation by County Council Chaplain:

Mr. Tom Martin, County Council Chaplain, gave the invocation.

Pledge of Allegiance:

Mr. Cain led the Pledge of Allegiance to the Flag of the United States of America.

Approval of Minutes:

Mr. Thrift made a motion, seconded by Mr. Cain, approved 5 – 0 to approve the February 3, 2014 regular meeting as presented.

Administrator's Report & Agenda Summary

Mr. Moulder briefly reviewed with Council and for the public's benefit specifics related to the following matters before Council at this meeting:

- Public Hearing & Third and Final Reading for Ordinances: 2014-33, 2015-05
- Second Reading for Ordinances: 2014-33, 2015-05
- First Reading of Ordinance: 2015-08, 2015-09, 2015-12, 2015-13
- First & Final Reading of Resolutions: R2015-03
- First & Final Reading of Proclamations: P2015-01
- Discussion Items
- Board & Commission Appointments
- Council Committee Reports
- Old Business
 - Humane Society Funding
 - In-House Attorney Discussion
- Executive Session

Public Hearing Regarding the Following Ordinances

Ordinance 2014-33 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND **ITT ENIDINE INC** AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES RELATED TO THE PROJECT.”

Mr. McCall opened the floor for Public Comment; noting no citizens signed up to address this matter.

Ms. Cammick stated that she had questions and asked Mr. Richard Blackwell, Oconee Economic Alliance Director, to step forward. Ms. Cammick had questions regarding the Cost Benefit Analysis [CBA] provided; asking if this was a good deal for Oconee County as no new jobs were part of the company's commitment as outlined in the document. Mr. Blackwell noted that ITT Enidine is a valued member of the county's manufacturing community and that the document outlines the minimum commitment by the company; stating that their intent is to invest beyond the \$2.5 million listed in the fee in lieu of tax [FILOT] agreement. Other council members during this period voiced support for the project and FILOT. Lastly, Mr. Moulder assured Council that the FILOT only reduces the assessed value from 10.5% to 6% and other incentives and that it does not absolve the company from paying taxes to the county.

No citizens addressed Council regarding this ordinance.

Mr. McCall asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Mr. McCall closed the Public Hearing regarding **Ordinance 2014-33**.

Ordinance 2015-05 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO THE AMENDED FEE AGREEMENT BETWEEN OCONEE COUNTY AND **GREENFIELD INDUSTRIES, INC.**, TO INCLUDE THE ADDITION OF TDC GREENFIELD PROPERTIES LLC, AS A CO-SPONSOR, AMENDING THE AMENDED FEE AGREEMENT DATED AS OF OCTOBER 1, 2013; AND OTHER MATTERS RELATED THERETO”

Mr. McCall opened the floor for Public Comment; noting no citizens signed up to address this matter.

No citizens addressed Council regarding this ordinance.

Mr. McCall asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Mr. McCall closed the Public Hearing regarding **Ordinance 2015-05**.

Third & Final Reading of the Following Ordinances

Ordinance 2014-33 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND **ITT ENIDINE INC** AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES RELATED TO THE PROJECT.”

Mr. Thrift made a motion, seconded by Mr. Dexter, approved 4 – 0 – 1 [Ms. Cammick opposed – form filed with these minutes] to [1] amend the caption to reflect the company name as stated above, and [2] to approve **Ordinance 2014-33** on third and final reading.

Ordinance 2015-05 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO THE AMENDED FEE AGREEMENT BETWEEN OCONEE COUNTY AND **GREENFIELD INDUSTRIES, INC.**, TO INCLUDE THE ADDITION OF TDC GREENFIELD PROPERTIES LLC, AS A CO-SPONSOR, AMENDING THE AMENDED FEE AGREEMENT DATED AS OF OCTOBER 1, 2013; AND OTHER MATTERS RELATED THERETO”

Mr. Dexter made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2015-05** on third and final reading.

Second Reading of the Following Ordinances

[None scheduled at this meeting.]

First Reading of the Following Ordinances

Ordinance 2015-08 “AN ORDINANCE AMENDING CHAPTER 32 AND CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING SETBACKS, AND AMENDING CHAPTER 38 REGARDING AGRICULTURAL RESIDENTIAL ZONING DISTRICTS IN CERTAIN LIMITED REGARDS AND PARTICULARS; AND OTHER MATTERS RELATED THERETO”

Prior to discussion regarding this ordinance; Mr. Cain asked the county attorney if he should abstain as his partner was the attorney for the plaintiffs in litigation that resulted in this ordinance amendment. Mr. Martin stated that he did not have to abstain but if he wished he could abstain.

Mr. Dexter made a motion, seconded by Mr. Thrift, approved 3 – 1 – 1 [Ms. Cammick opposed; Mr. Cain abstained and form filed with these minutes] to approve **Ordinance 2015-08** on first reading.

Ordinance 2015-09 “AN ORDINANCE AMENDING SECTION 12-34 OF ARTICLE II OF CHAPTER 12 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING NOISE REGULATIONS OF THE COUNTY; AND OTHER MATTERS RELATED THERETO”

Mr. Dexter made a motion, seconded by Mr. Thrift, to approve **Ordinance 2015-09** on first reading.

Council members discussed the following regarding the scope of the change to the noise ordinance to include a request to make it applicable to specific locations and not county wide and to limit the ordinance to not include future industry. Lengthy discussion followed. Mr. Dexter made a motion to call for the vote.

Mr. McCall called for the vote on **Ordinance 2015-09** which was approved 4 – 1 [Ms. Cammick opposed].

Ordinance 2015-12 [Title Only] “AN ORDINANCE TO REVISE AND AMEND SECTION 34-1 OF THE OCONEE COUNTY CODE OF ORDINANCES, BY DELETING AND RESCINDING THE SECTION IN ITS ENTIRETY; AND OTHER MATTERS RELATED THERETO”

Mr. Dexter made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2015-12** on first reading in title only.

Ordinance 2015-13 [Title Only] “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND PROJECT MOLD AND INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES RELATED TO THE PROJECT; EXTENDING THE TERM OF THE JOINT COUNTY INDUSTRIAL AND BUSINESS PARK FOR THE PROJECT UNTIL DECEMBER 31, 2023; AND OTHER MATTERS RELATING THERETO”

Mr. Cain made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve **Ordinance 2015-13** on first reading in title only.

First & Final Reading of the Following Resolutions

Resolution R2015-03 “A RESOLUTION EXPRESSING INTENT TO CEASE COUNTY MAINTENANCE ON AND TO AUTHORIZE COUNTY CONSENT TO JUDICIAL ABANDONMENT AND CLOSURE OF A CERTAIN OCONEE COUNTY ROAD; AND OTHER MATTERS RELATED THERETO”

Mr. Thrift made a motion, seconded by Ms. Cammick, approved 5 – 0 to approve **Resolution R2015-03** on first & final reading.

First & Final Reading of the Following Proclamations

PROCLAMATION P2015-01 “A PROCLAMATION ESTABLISHING FEBRUARY 23, 2015 AS HONOR OUR WORLD WAR II HEROES DAY”

Mr. Thrift made a motion, seconded by Ms. Cammick, approved 5 – 0 to approve **Proclamation P2015-01** on first & final reading.

As the Clerk to Council read the Proclamation; Mr. McCall stepped forward and presented the Proclamation to Ms. Peg Stutsman, Regent of Wizard of Tamassee DAR Chapter.

Discussion Regarding Action Items:

PO# 50044, Change Order #2 / Sewer South Project / \$207,683.00

Mr. Dexter made a motion, seconded by Ms. Cammick, approved 5 – 0 to approve Change Order #2 for PO 50044, to URS Corporation of Greenville, SC, to perform general engineering services for the Sewer South Project, per the attached proposal, not to exceed \$207,683.00.

Board/Commission Appointments

Scenic Highway Committee / 1 At Large Seat

At Large: DEFERRED

Parks, Recreation & Tourism Commission / 1 At Large Seat

At Large: Mr. Thrift made a motion, seconded by Mr. Cain, approved 5 – 0 to appoint **Mr. Daniel Pollock** to the At Large Seat on the PRT Commission.

Building Codes Appeal Board / District III Seat

At Large: Mr. Cain made a motion, seconded by Mr. Thrift, approved 5 – 0 to re-appoint **Mr. Robert DuBose** to the District III Seat on the Building Codes Appeal Board.

Council Committee Reports

Law Enforcement, Public Safety, Health & Welfare Committee / Mr. McCall

Mr. McCall read from a prepared statement [copy filed with these minutes] highlighting discussions, direction and recommendations to staff from the February 10, 2015 meeting.

Budget, Finance & Administration Committee / Ms. Cammick

Ms. Cammick read from a prepared statement [copy filed with these minutes] highlighting discussions, direction and recommendations to staff from the February 10, 2015 meeting.

Old Business:

Humane Society Funding

Ms. Cammick made a motion, seconded by Mr. Cain to approve additional funding in the amount of \$26,000 to the Humane Society's SNAC program. Lengthy discussion followed to include potential budget options [\$22,000 from Council Contingency, \$4,000 from Administrations Contingency], original budget rational, etc.

Ms. Karen Mattern, Humane Society representative was recognized and allowed to address Council in support for the SNAC program.

Ms. Cammick amended her motion, seconded by Mr. Cain, approved 4 – 1 [Mr. Dexter opposed] to fund an additional \$22,000 from the Council's contingency account for the Humane Society SNAC program.

In-House Attorney Discussion

Mr. Cain made a motion, seconded by Ms. Cammick to direct the Administrator [1] to establish an in-house attorney department to include two new positions in the FY2015-2016 budget [in-house attorney and paralegal] and other applicable budget items, [2] establish job descriptions and salary guidelines for both positions, [3] to advertise and fill the two positions to begin in July 2015.

Lengthy discussion followed to include maintaining McNair Attorneys for specialty issues and some litigation, potential cost savings over time, support for excellent job done by Mr. Martin/McNair Attorneys to date, identification of funding, etc.

Mr. McCall called for the vote on this matter and it passed 3 – 2 [Mr. Thrift and Mr. Dexter opposed].

New Business:

[None scheduled at this meeting.]

Executive Session:

Mr. Dexter made a motion, seconded by Ms. Cammick, approved 5 – 0 to enter Executive Session for the purpose of discussing a pending litigation matter.

Council entered Executive Session at 7:58 p.m.

Council returned from Executive Session at 8:48 p.m. on a motion by Mr. Cain, seconded by Mr. Dexter, approved 5 – 0.

Mr. McCall stated that no action was taken in Executive Session.

Ms. Cammick made a motion, seconded by Mr. Cain, approved 5 – 0 to direct the Administrator to proceed on the pending litigation matter as discussed in Executive Session.

Adjourn

Mr. Thrift made a motion, approved unanimously 5 – 0, to adjourn at 8:50 p.m.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council